

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

JOANNA SEXTON

Plaintiff,

v.

Case No:

WAWA, INC.,

Defendant.

NOTICE OF REMOVAL

The defendant, Wawa, Inc. (hereafter, “Wawa” or “the defendant”), by counsel, hereby gives notice, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, of the removal to this Court of the action commenced against it in the Circuit Court for the City of Norfolk, styled “Joanna Sexton v. Wawa, Inc.,” Case No. CL18-10040. The following facts support removal on the basis of the existence of diversity of citizenship:

1. On or about November 16, 2018, the plaintiff, Joanna Sexton, commenced this action by filing a Complaint in the Circuit Court of the City of Norfolk. Copies of the Summons and Complaint are attached hereto as Exhibit 1 and incorporated by reference herein.
2. On or about January 4, 2019, Wawa’s registered agent was served with the Summons and Complaint.
3. Wawa filed its Answer to the Complaint in the City of Norfolk Circuit Court on January 16, 2019. A copy of Wawa’s Answer is attached hereto as Exhibit 2 and is incorporated by reference herein.

4. The plaintiff is, and at all times relevant hereto has been, on information and belief, a citizen of the Commonwealth of Virginia and a resident of the City of Virginia Beach, Virginia.

5. The defendant is a corporation organized under the laws of the State of New Jersey. The defendant's principal place of business is located in the Commonwealth of Pennsylvania.

6. The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 U.S.C. § 1332. The ad damnum set forth in the Complaint is \$250,000.00.

7. This Court has original jurisdiction over the claims set forth in the petition based on the amount in controversy and the diversity of the parties pursuant to 28 U.S.C. § 1332.

8. The Eastern District of Virginia, Norfolk Division, is the United States District Court and division thereof embracing the place where the state court action is pending.

9. This Notice of Removal is filed within 30 days after receipt of the Complaint and Summons by Wawa and less than one year after the state court action was filed.

10. The pleadings and process received by Wawa consist of the Summons and Complaint attached hereto as Exhibit 1. Wawa's responsive pleadings filed in the state court action consist of an Answer, which is attached hereto as Exhibit 2.

11. On this date, the defendant, Wawa, served the Clerk of the Circuit Court for the City of Norfolk, via U.S. mail, first-class and postage prepaid, with a Notice of Filing of this Notice of Removal, together with its Exhibits, for filing, pursuant to 28 U.S.C. § 1446(d). A copy of that notice is attached hereto as Exhibit 3.

12. On this date, the defendant, Wawa, served on plaintiff, through her counsel, via U.S. mail, first-class and postage prepaid, a copy of the Notice of Filing of this Notice of Removal, with Exhibits, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, the defendant, Wawa, Inc., requests that this Court assume jurisdiction over this action.

WAWA, INC.
By Counsel

/s/ _____
Henry C. Spalding, III (VSB No. 34382)
ThompsonMcMullan, P.C.
100 Shockoe Slip
Richmond, VA 23219-4140
Telephone: (804) 649-7545
Facsimile: (804) 780-1813
Counsel for Defendant

CERTIFICATE

I hereby certify that on this 23rd day of January 2019, a true copy of the foregoing was mailed, first-class and postage prepaid, to:

George T. Albiston, Esq.
Gilbert & Albiston
580 East Main Street, Suite 330
Norfolk, VA 23510
Counsel for Plaintiff

Hon. George E. Schaefer, Clerk
Norfolk Circuit Court
150 St. Paul's Boulevard
Norfolk, VA 23510-2773

/s/
Henry C. Spalding, III, Esq.